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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James Van Alstine

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11/19/2009

GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
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EXAMINER

KETTER, JAMES S

ART UNIT

PAPER NUMBER

1636

NOTIFICATION DATE

DELIVERY MODE

11/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

melissa.leck@ge.com

Art Unit: 1636

Claims 1-6 and 8-10 are allowed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-13, 15 and 17-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nochumson et al., for reasons of record set forth in the previous Office Action.

Applicants argue, in the amendment filed 8 July 2009, that Nochumson et al. does not teach the pore sizes of the invention, i.e., that restricts access to plasmids. However, at, for example, column 6, at the fifth full paragraph, Nochumson et al. teaches that supercoiled plasmid does not become bound to the resin as does RNA and other contaminants. Thus, plasmids are inherently restricted from the pores within the resin matrix. Applicants then argue that it is not taught that RNA is adsorbed onto the pores surfaces, and not bound tightly. However, the claims, as written, do not require that RNA be bound only and specifically onto the pore surfaces, and that the RNA be bound with any particular affinity. The instant claims do not recite the limitation of ligands on the pore surfaces to bind the RNA, and as such, Nochumson et al. is still properly applied as anticipating the instant claims.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Ketter whose telephone number is 571-272-0770. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSK

18 November 2009

/James S. Ketter/

Primary Examiner, Art Unit 1636